

**MEMO ENDORSED****WESTERMANN HAMILTON SHEEHY AYDELOTT & KEENAN, LLP**

222 BLOOMINGDALE ROAD

SUITE 305

WHITE PLAINS, NEW YORK 10605

TELEPHONE (914) 946-7770

TELECOPIER (914) 946-4587

DAVID WESTERMANN, JR.  
JOHN F. HAMILTON  
CHRISTOPHER J. SHEEHY  
CHRISTOPHER P. KEENAN\*  
PETER S. SAMAN  
MICHAEL F. KUZDOW\*\*\*  
ROBERT J. FRYMAN\*\*  
MARY PAT BURKE\*\*

STEPHEN J. GILLERPIE\*\*  
THOMAS A. CULLEN  
MARIA LUANDU  
JAMES M. BOYCE  
CAROLYN K. FIORELLO\*\*  
PAUL J. WINTERSTEIN  
FABIANA TALARICO  
SARAH ALI\*\*

OF COUNSEL  
JUDITH A. AYDELOTT  
GORDON B. AYDELOTT  
LEONARD M. RIDINI, JR.  
VINCENT J. TORNA

\* ALSO ADMITTED IN CT  
\*\* ALSO ADMITTED IN NJ  
\*\*\* ALSO ADMITTED IN OK AND TX  
\*\*\*\* ALSO ADMITTED IN NJ AND CA

GARDEN CITY OFFICE  
GARDEN CITY CENTER  
100 QUENTIN ROOSEVELT BOULEVARD  
SUITE 502  
GARDEN CITY, NY 11530

TELEPHONE (516) 784-7500  
TELECOPIER (516) 794-1277

NEW JERSEY OFFICE  
THE COMMONS - SUITE 6  
82 EAST ALLENDALE ROAD  
SADDLE RIVER, NJ 07458

TELEPHONE (201) 995-0890  
TELECOPIER (201) 934-8681

CONNECTICUT OFFICE  
745 POST ROAD  
DARIEN, CT 06820

TELEPHONE (203) 661-8977

**ORIGINAL**

September 2, 2008

Via facsimile &amp; regular mail

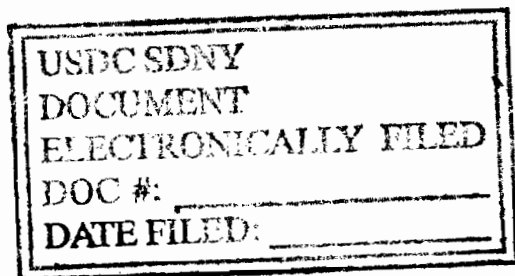
Honorable William C. Conner  
United States District Courts  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: *Romanchuk v. AMX Cooling & Heating, LLP*  
07 Civ. 6342 (WCC) ECF CASE

Dear Honorable Judge Conner:

I am writing to you pursuant to a directive from your law clerk, Ms. Rosa Castello. At the previous conference held on July 11, 2008, numerous discovery issues were discussed and a decision was made to refer the case to mediation. Prior to consenting to mediation, I expressed my desire to receive responses to all outstanding discovery prior to the mediation.

To date, the discovery issues raised by both sides remain outstanding and therefore Plaintiff is officially withdrawing his consent to mediation. Ms. Castello has scheduled us to appear for a further discovery conference before your Honor on September 17, 2008 at 9:45 a.m. to address all outstanding matters.



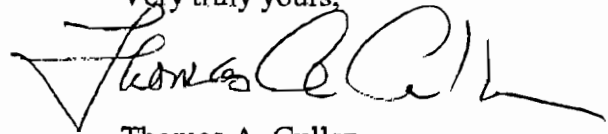
COPIES E-MAILED TO COUNSEL OF RECORD \_\_\_\_\_

**MEMO ENDORSED**

**WESTERMANN HAMILTON SHEEHY AYDELOTT & KEENAN, LLP**

Should you have any questions or comments about the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,



Thomas A. Cullen

TAC

cc: Howard B. Cohen, Esq.  
The DeIorio Law Firm, LLP

James H. Fogel, Esq.

Maria Scalfini, Case Administrator  
U.S.D.C. - Southern District

Plaintiff's request is  
GRANTED and his consent  
to mediation is hereby  
withdrawn.

SO ORDERED.

Dated: white Plains, NY  
Sept. 5, 2008



WILLIAM C. CONNER, Senior U.S. D.J.

# WESTERMANN HAMILTON SHEEHY AYDELOTT & KEENAN, LLP

222 BLOOMINGDALE ROAD

SUITE 305

WHITE PLAINS, NEW YORK 10605

TELEPHONE (914) 946-7770

TELECOPIER (914) 946-4587

DAVID WESTERMANN, JR.  
JOHN F. HAMILTON  
CHRISTOPHER J. SHEEHY  
CHRISTOPHER P. KEENAN\*  
PETER S. SAMAN  
MICHAEL F. KUZOW\*\*\*  
ROBERT J. FRAYMAN\*\*  
MARY PAT BURKE\*\*

STEPHEN J. GILLERIE\*\*  
THOMAS A. CULLEN  
MARIA IUANOW  
JAMES M. BOYCE  
CAROLYN K. FIORELLO\*\*  
MATTHEW F. DIDORA\*\*  
PAUL J. WINTERSTEIN  
FABIANA TALARICO

OF COUNSEL  
JUDITH A. AYDELOTT  
GORDON B. AYDELOTT  
LEONARD M. RIDINI, JR.  
VINCENT J. TORNA

GARDEN CITY OFFICE  
GARDEN CITY CENTER  
100 QUENTIN ROOSEVELT BOULEVARD  
SUITE 502  
GARDEN CITY, NY 11530

TELEPHONE (516) 794-7500  
TELECOPIER (516) 794-1277

NEW JERSEY OFFICE  
THE COMMONS - SUITE 6  
82 EAST ALLENDALE ROAD  
SADDLE RIVER, NJ 07438

TELEPHONE (201) 995-0890  
TELECOPIER (201) 934-8681

CONNECTICUT OFFICE  
745 POST ROAD  
DARIEN, CT 06820

TELEPHONE (203) 661-8977

## FACSIMILE COVER SHEET

DATE:

9/2/08

TO:

JUDGE CONNER

FAX:

914-390-4140

FROM:

THOMAS A. CULLEN

REF:

ROMAN CHUK - 07 CIV. 6343 (WCC)

Number of Pages, including cover sheet:

3

### Space For Additional Message:

CC: HOWARD COHEN, ESQ  
JAMES H. FOGEL, ESQ  
MARIA SCAFINI - CASE ADMINISTRATOR

### CONFIDENTIAL COMMUNICATION

THIS TRANSMISSION IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IF THE RECIPIENT OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT (OR ITS EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS COMMUNICATION) YOU ARE NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE CALL THE SENDER IMMEDIATELY AND MAIL THE ORIGINAL COMMUNICATION BACK TO US AT THE ABOVE ADDRESS. WE WILL PROMPTLY REIMBURSE YOUR EXPENSES.

IF THERE IS ANY PROBLEM IN RECEIVING THIS FACSIMILE MESSAGE, PLEASE CONTACT THE SENDER AT (914) 946-7770.